

**HISTORIC PRESERVATION COMMISSION**  
**Minutes**

April 8, 2004  
Salisbury, North Carolina

The Historic Preservation Commission for the city of Salisbury met in regular session on Thursday, April 8, 2004, in the Council Chambers at the City Hall, 217 S. Main St.

The meeting was called to order by the Chairman, Charles Paul. In addition to Mr. Paul, the following members were present: Ronald Fleming, Mike Fuller, and Kathy Walters.

Absent: Jeff Sowers and Michael Young

**Swearing-in of new members**

New members, Wayne Whitman and Dr. Clara B. Jones were sworn in as members of the Commission by Charles Paul. They were welcomed by commission members, and seated.

**Nominating Committee Report**

Kathy Walter reported that the nominating committee's recommendation for Chairman of the Commission for the year 2004-'05 is Charles Paul, and Michael Young as Vice-Chairman.

**Requests for Certificates of Appropriateness**

Instructions from the Chair, Charles Paul, were given due to the long agenda for hearing. He asked that there be no repetition of testimony and that testimony be as brief as possible.

H-21-04    **709 N. Main St.** – Rodney Queen, owner – Certificate of Appropriateness for new construction

Rodney Queen was sworn to give testimony for the request.

Mr. Queen referred Commission members to the plan submitted for review. He informed the Commission that of the 2 designs presented, the chosen is the design shown on the right side of the submitted plan. He testified that the structure will be all brick and presented a sample of the colonial style brick that would be used. A brochure showing the shingles for the gable, which would be painted White, was also presented.

Mr. Queen gave the following information for other materials that would be used:

- Roof Colonial Slate, architectural style
- Door 6-panel, wood
- Windows Clad windows, no grids
- Railing Wood, painted White
- Soffitt & facial Concrete, painted White

Additional information included the following:

- Entrance Sidewalk to front porch
- Parking Rear

In response to a question from Kathy Walter, Mr. Queen explained that he was speaking of metal clad, not vinyl clad, and the reason was because of maintenance. However, he had no objection to the use of all-wood windows if that was their choice.

Joan Davis, an adjoining property owner, was present to speak in opposition to the request. Ms. Davis questioned the construction of a new residence in the historic district. She asked, “what can be placed on the house that will match the existing houses?”

Charles Paul explained that as long as the structure is built according to guidelines, in style and materials, it does not need to be compatible.

Mr. Queen explained the plan to Ms. Davis; after which, she had no further questions.

David Phillips presented slides that showed the existing houses located on either side of the proposed new construction. He stated that there is another brick structure located on the opposite side of the street.

With no additional testimony or questions, Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-24-04 - that Rodney Queen, owner of 709 N. Main St., appeared before the Commission and sought a Certificate of Appropriateness to construct a new residence; that Joan Davis appeared before the Commission to oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 3 – New Construction and Additions – New Construction, pages 40-43, Site guidelines 1-7 and Building guidelines 1-10 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-21-04 be granted to Rodney Queen, owner of 709 N. Main Street, to make the changes detailed in the application, with the following changes agreed to by the applicant: windows will be all-wood, rather than metal clad.”

Ronald Fleming seconded the motion; all members present voted AYE.

**H-22-04            710 N. Main St. – Andrew & Stacy Jeter, owner**  
Certificate of Appropriateness for removal of 2 non-functional chimneys that have been sealed, caulked, and capped but still leaks into the lobby of Total Motion Physical Therapy Clinic

Andrew Jeter was sworn to give testimony for the request. Staff presented slides.

Dr. Jeter testified that there have been continuous water problems from chimney at his rental property. The chimney has been capped, chalked, sprayed, and flashed, but nothing has helped.

He said that moisture is penetrating the brick because it is porous. He further testified that the tenants have had to keep a bucket inside the fireplace during rains in order to catch the water.

Dr. Jeter stated that Terry's Roofing has recommended that the chimneys be capped, removed, and made to run along the original roof line.

In response to a question from Dr. Jones, Dr. Jeter stated that the roofing company had not suggested any other alternatives.

Kathy Walters asked Dr. Jeter if he had considered having the chimney rebuilt. He said that he had not. She also suggested the possibility of placing a lining in the chimney.

Charles Paul read the Masonry Guideline #2: *Retain and preserve all masonry construction features that are character-defining elements of historic buildings, including chimneys, arches, quoins, cornices, and pediments.*

Mr. Paul explained that the purpose of that particular guideline is to eliminate removal, but to repair and preserve. He stated that because of that guideline, the request would be difficult to approve.

Dr. Jeter explained to the Commission that there has been a business at the location for 60 years. He stated that businesses do not have chimneys and residential structures should not set precedence for removal.

Kathy Walters said, "even though it is in a residential area, it is a building.

Robert Crum, 116 E. Council St., suggested that the brick be sealed, water-blocked, and painted, which he said would be fairly inexpensive.

Charles Paul suggested a product called Bonsol, which Dr. Jeter might want to try.

With no other discussion, Ronald Fleming made the following motion: "I move that the Commission find the following facts concerning Application #H-22-04 – that Andrew Jeter, owner of 710 N. Main Street, appeared before the Commission and sought a Certificate of Appropriateness to remove 2 non-functional chimneys, that Robert Crum appeared before the Commission to provide commentary; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Masonry, pages 24-25, guidelines 1-5 of the Residential Historic District Design Guidelines; mitigating factor: the chimneys have been sealed, caulked, and capped but still leak into the lobby; therefore, I further move that a Certificate of Appropriateness for Application #H-22-04 be denied to Andrew and Stacy Jeter, owners of 710 N. Main St., to make the changes detailed in the application."

Kathy Walters seconded the motion; all members present voted AYE.

**H-23-04 405 S. Fulton St.** –Richard Gordon Senter, owner – Certificate of Appropriateness for relocation of approved accessory building

Richard & Barbara Senter were sworn in to give testimony for the request.

Staff presented slides.

Mr. Senter began by reminding the Commission that he had received approved at the March meeting for the construction of a new garage (Application #H-15-04).

He informed the Commission that an adjoining property owner, Karen Alexander has requested that the garage be moved to the other side of the lot. After speaking with adjoining property owners, Foster & Jean Owen, he has decided to move the location of the garage to within 8 ft. of the property line on the other side of the property.

Mr. Senter continued by informing the Commission that in order to move the garage, 2 pine trees that would be in the way of the new location, would need to be removed, which he also requested. The trees, he said, are 15" in diameter and look healthy until looked at very closely.

There was no one present to speak in support or opposition to the request.

Kathy Walters made the following motion: "I move that the Commission find the following facts concerning Application #H-23-04 – that Dr. Richard Gordon Senter, owner of 405 S. Fulton St., appeared before the Commission and sought a Certificate of Appropriateness to relocate the previously approved accessory building; that the relocation would necessitate the removal of 2 pine trees; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Garages and Outbuildings, pages 22-23, guideline 9 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-23-04 be granted to Dr. Richard Gordon Senter, owner of 405 S. Fulton St., to make the changes detailed in the application."

**H-24-04 209 W. Bank St.** – Rosalie Laughlin, owners – Certificate of Appropriateness for removal of Sycamore tree on back right corner of lot

Rosalie Laughlin & John Laughlin were sworn to give testimony for the request.

Staff presented slides.

Mrs. Laughlin informed the Commission that recent storms have caused much concern of the tree located on the back right corner of the lot. It is in an interior corner of 4 other properties which are not visible from the street. She presented pictures which showed some of the damage, and described damage caused by falling limbs off the tree. The adjoining property owner, she stated is in favor the tree's removal.

In response to a question from Dr. Clara Jones regarding the root system, Mr. Laughlin stated that the stump would probably be left in the yard.

David Phillip informed the Commission that Mark Martin had inspected the tree and reported to him that the tree is healthy, but that it is normal for Sycamore trees to lose its limbs.

The Laughlins showed pictures to show that the tree's limbs are leaning toward the house, and are forcing the danger of other trees to fall.

C. S. Morris, adjoining property owner, was present to speak in support of removing the Sycamore tree. He stated that if Mrs. Laughlin had not requested removal, he probably would have.

Ronald Fleming made the following motion: “I move that the Commission find the following facts concerning Application #H-24-04 – that Rosalie Laughlin, owner of 209 W. Bank St., appeared before the Commission and sought a Certificate of Appropriateness to remove a Sycamore tree from the back right corner of the lot; that C. S. Morris appeared before the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Landscaping, pages 60-61, guidelines 1,2,3 and 14 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-24-04 be granted to Rosalie Laughlin, owner of 209 W. Bank St., to make the changes detailed in the application.”

Dr. Clara Jones seconded the motion; all members present voted AYE.

H-25-04    **201 W. Fisher St.** – Rowan County Government, owner – Certificate of Appropriateness for addition of iron railing to side of steps on new library building to match the existing railings on the older (1950) facility

Jeff Hall, Operations Manager for the library was sworn to give testimony for the request.

Staff presented slides.

Mr. Hall presented a railing of the same design requested for the Commission members to view, which he described as heavy metal made of steel. The railings would be located beside the existing columns and painted to match the columns. The railings at the lower steps would be placed at the far edges of the steps.

Mr. Hall informed the Commission that identical railings would also be installed at the very bottom steps at the sidewalk, owned by the city, if approval is granted from the city/

There was no one present to speak in support or opposition to the request.

Mike Fuller made the following motion: “I move that the Commission find the following facts concerning Application #H-25-04 – that Jeffrey Hall, applicant for the County of Rowan, owner of 201 W. Fisher St., appeared before the Commission and sought a Certificate of Appropriateness to add iron railings to the side of the steps on the new library building to match the existing railings on the older 1950’s portion; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Architectural Metals, pages 35-37, guidelines 2 and 3 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-25-04 be granted to Jeffrey hall, applicant for the County of Rowan, owner of 201 W. Fisher St., to make the changes detailed in the application.”

Wayne Whitman seconded the motion; all members present voted AYE.

**H-26-04 220 S. Fulton St.** – Clyde & Lewellen Padgett, owner – Certificate of Appropriateness for removal of a tree that is causing structural damage to the garage that will result in extensive repair

Robert Crum, agent for Clyde & Lewellen Padgett, was sworn to give testimony for the request.

He testified that the Maple tree at the back left corner on the property is causing damage to the back left corner of the garage and is also leaning toward the house on Bank St. He stated that the garage floor is cracked and pushing up, and that there are lots of cracks inside the garage. Mr. Crum informed Commission members that the tree is old, has dead limbs on top, and could eventually fall on the neighbor's house.

David Phillips informed the Commission that upon inspection of the tree, Mark Martin did find a very large cavity in the tree and has requested that it be removed.

There was no one present to speak in support or opposition to the request.

Kathy Walters made the following motion: "I move that the Commission find the following facts concerning Application #H-26-04 – that Clyde and Lewellen Padgett, owners of 220 S. Fulton St., appeared before the Commission and sought a Certificate of Appropriateness to remove a tree that is causing structural damage to the garage, that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting- Landscaping, pages 60-61, guidelines 1,2,3, and 14 of the Residential Historic District Design Guidelines; mitigating factors: David Phillips and Mark Martin examined and found some serious cavities; therefore, I further move that a Certificate of Appropriateness for Application #H-26-04 be granted to Clyde and Lewellen Padgett, owners of 220 S. Fulton St. to make the changes detailed in the application."

Mike Fuller seconded the motion; all members present voted AYE.

**H-27-04 318 E. Council St.** – Wallace Properties Acct I, owner – Certificate of Appropriateness to paint front of building with a color to match existing brick color on side; building is brick but has had numerous signs painted on front wall that have faded

## **POSTPONED**

**H-28-04 215 W. Innes St.** – 1<sup>st</sup> Presbyterian Church, owner – Mark Martin, applicant – Certificate of Appropriateness for fountain replacement due to rust and improper application

Mark Martin was sworn to give testimony for the request.

Staff presented slides.

Mr. Martin informed the Commission that the city maintains the Bell Tower Park which includes the Mike Schafer Friendship Garden erected in 1996. He testified that the fountain is not adequate for the park - rust has taken over and the pump is shallow. He stated that the fountain has been welded together numerous times.

Mr. Martin stated that both the Maxwell Chambers Trust and 1st Presbyterian Church agree that the time has come that the fountain should be replaced.

Kathy Walters commented that there was a group of friends who put the fountain in the Park, and asked Mr. Martin if they had been contacted. He stated that they had not. She stated that the new fountain should look like the existing fountain as the friends had chosen. She asked if there would be any problem in consulting with the friends and come back to another meeting.

Mr. Martin agreed to withdraw the application and come back after making contact with those persons.

H-29-04     **W. Council St.** – City of Salisbury, owner – Deb Young, applicant – Certificate of Appropriateness for overflow parking for city employees attending training or other meeting sessions held at city office and Zimmerman building

H-33-04     **Corner W. Church St. & N. Liberty St.** – City of Salisbury, owner; Joe Morris, applicant – Certificate of Appropriateness for construction of Freedman's Memorial at the Oak Grove/Freedman's Cemetery

Joe Morris, city planner, was sworn to give testimony for the request.

Staff presented slides.

Mr. Morris reminded the Commission that at the July 2003 Historic Preservation Commission meeting, a proposal was approved; however, that particular artist withdrew from the project, creating the need for an alternate design. At last month's meeting (March) Mr. Morris continued, another proposal was submitted for consideration which was not acceptable by the Commission and was withdrawn. That particular plan included the creation of a 20 ft. opening in the wall, and the removal of a 160-ft. long course of stone; a sizeable modification to the wall. The removed stone would have been incorporated into parts of the new memorial.

Mr. Morris continued with the presentation of the new proposal. He stated that Sam Reynolds, architect, and Maggie Smith, artist, are now presenting a design with a much smaller opening in the wall.

From the slides he showed the location, about 73 feet from the church, where 7 stones and 4 cap stones would be removed for the 10 ft. wide opening, and stated that the wall would remain at its existing height. There would be no lowering of the wall, he said. He further informed commission members that as was emphasized at the last meeting, the removed stones would not be incorporated into another wall, but would be utilized in other areas on the site, perhaps in benches. He testified that at a time in the future, if the

wall was ever closed for any reason, the material would be available to go back into the wall.

Mr. Morris proceeded with testimony by informing the Commission of some of the other features of the proposal which included the following:

- A low wall along the Church St. side of the memorial, and a veneer along the Liberty St. side, covering a portion of the concrete wall built when the street was widened in 1983.
- Utilization of ceramic or concrete bricks to create a pattern in the street in a West African textile motif (most visible from inside the cemetery.)
- A stone table created for seating.
- Landscaping along the street that would include some portion of the pattern in the sidewalk that would tie into the motif in the street.
- Etchings in the stone from African American poets and writers, and also other interpretive materials that would include notations giving information to make it perfectly clear that the breach in the wall was not a part of the original design of the wall but was done at a later time.
- Vines will be planted on the concrete wall
- A conduit has been placed in the ground for the possibility of flush mounted lights in the sidewalk in the area of the veneer (a budget decision).

In response to a question from Kathy Walters pertaining to the colors that would be used in the proposed pattern in the intersection, Mr. Morris stated there would be a contrasting treatment of dark and light in earth-tone colors.

Ms. Walters recommended that in choosing the surface material for the intersection, consideration be given to the fact the sidewalk along Liberty St., which is highly traveled by people doing business at the courthouse, can be very slick in the winter months.

Mr. Morris informed Ms. Walters and others that as a part of the streetscape improvements, the installation of brick pavers has been completed on the Liberty St. side of the street, as well as decorative lights that have been installed on both sides of the street.

In response to a question from Charles Paul regarding the changes that would be made to the concrete wall in order to accommodate the proposed table top, Mr. Morris stated that until the construction drawings are completed, he could not say for sure what the exact changes would be. He said that the construction drawings would be completed based on today's recommendation from the Commission.

Those present to speak in opposition to the request were as follows:

- Ann Brownlee, local historian – voiced her concern of placing the West African textile pattern in the intersection, stating that it seemed out of context to the historical period of the cemetery, as well as the district.



- Diane Dillon, executive director of Historic Salisbury Foundation, stated that even though the new proposal is commendable from last month's presentation, 10 ft. is still a lot of wall to remove. She reminded the Commission that the guidelines must be followed.

In response to questions from Clyde Overcash pertaining to the loss of parking spaces at the cite, Joe Morris informed him that the streetscape improvements which included the realignment of the curb, installation of decorative lighting, and the elimination of parking spaces were approved in a prior request (H-73-01).

Persons present to speak in support of the proposal were as follows:

- Dr. Bryant Norman, Freedman's Cemetery Memorial committee member - informed the Commission that the area surrounding the cemetery was once an all Black community; stated that the West African textile pattern is very much in order because it would attest to what used to be there.
- Dr. Arletta Bingham Massey, Freedman's Cemetery Memorial committee member – informed the Commission that her grandparents are buried in the cemetery and stated that it is now time to move on and show in this community that African-Americans do and have played a significant part in the history of Salisbury.
- Denny Meacham, facilitator for the Freedman's Cemetery Memorial project, reminded the Commission that there were laws in place in 1903 that protected cemeteries but that did not keep the state from passing special legislation that allowed W. Liberty St. to be widened, which led to the severe desecration of graves on the site, and stated that the memorial proposal is an appropriate, sensitive tribute to a very long history at a difficult site.
- Robert Crum, professional visual artist – spoke in favor of the of the West African textile pattern in the street, stating that it could be a beautiful design in an attractive spot.

Dr. Clara E. Jones, newly appointed Commission member, asked Joe Morris for clarification as to why the wall in the cemetery has to be "violated."

Mr. Morris stated that the decision to create an opening in the wall is symbolic to the history of the site. He explained that for the first 60 years of the cemetery's existence as a public burying ground, there was no wall – it was one cemetery. The stone wall was erected in 1855 to replace a wooden fence constructed in 1840. The artist and committee, he continued, are looking at the opening in the wall as a reconnection between the cemeteries.

There being no additional comments or questions for discussion, Commission Chairman, Charles Paul, stated that he was satisfied that the Commission's concerns – that of conveying a false sense of history in the future, and the loss of a portion of the story that the wall tells - had been addressed in the new proposal. He said that the memorial would no longer be conveying a false representation of history to future generations because the new design would make clear the changes and why.

Charles Paul then made the motion as follows: “I would like to move that we approve this request as presented – that Joe Morris, applicant for the city, owner of the Oak Grove/Freedman’s Cemetery at 230 N. Church St., appeared before the Commission and sought a Certificate of Appropriateness to construct a Freedman’s Memorial at the site, in accordance with the plans submitted; that Diane Dillon-Hooper and Ann Brownlee appeared in opposition of the request, and Dr. Bryant Norman, Dr. Arlette Massey, Denny Meacham, and Robert Crum appeared in support of the request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and specifically from the Non-residential Design Guidelines, Chapter 4 – Site Features and District Setting – Landscape and Streetscape, pages 59-60, guidelines 1 and 3; therefore, I further move that a Certificate of Appropriateness for application #H-33-04 be granted to Joe Morris, applicant for the city of Salisbury, owner of the Oak Grove/Freedman’s Cemetery at 230 N. Church St. to make the changes detailed in the application.”

Ron Fleming seconded the motion. Commission members Fleming, Jones, Paul, and Walters voted AYE; Commission member Whitman voted NO.